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67137 U.S. PTO



02/13/97

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P-5289.3/G-5289

February 13, 1997

Box PATENT APPLICATION  
 Commissioner of Patents  
 and Trademarks  
 Washington, D.C. 20231

Express Mail

RE: Patent Application by Hanan Butnaru for "Motion Sickness/Vertigo Prevention Device and Method"

Gentlemen:

Enclosed please find the following documents in support of Hanan Butnaru's Application for Patent on "Motion Sickness/Vertigo Prevention Device and Method":

1. New Application Transmittal
2. Title Page for Specimen
3. Specimen--Background, Claims and Abstract
4. 12 sheets of drawings (figures)
5. Combined Declaration and Power of Attorney
6. Verified Statement - Independent Inventor
7. Information Disclosure Statement
8. Check for filing fee - \$623.00
9. Acknowledgement Postcard

Sincerely,

MARK V. MULLER

MVM:vjd  
 Enclosures

x:\mvm\butnaru\p-5289.3\filing.ltr



Docket No. P-5289.3

BOX PATENT APPLICATION  
ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

**NEW APPLICATION TRANSMITTAL**

Transmitted herewith for filing is the patent application of

Inventor: Hanan Butnaru

For (title): MOTION SICKNESS/VERTIGO PREVENTION DEVICE AND METHOD

**1. Type of Application**

This new application is for a(n):

Original (Non-Provisional)  
 Design  
 Plant  
 Divisional  
 Continuation  
 Continuation-in-part (CIP)

**2. Benefit of Prior U.S. Application(s) (35 USC §120)**

The new application being transmitted claims the benefit of prior U.S. application(s) and enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

**3. Papers Enclosed Which Are Required For Filing Date Under 37 CFR §1.53(b) (Regular) or 37 CFR §1.153 (Design) Application**

14 Pages of specifications  
5 Pages of claims  
1 Pages of abstract  
12 Sheets of drawing       formal       informal

**4. Additional papers enclosed**

Preliminary Amendment  
 Information Disclosure Statement  
 Form PTO-1449  
 Citations  
 Declaration of Biological Deposit  
 Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence  
 Authorization of Attorney(s) to Accept and Follow Instructions from Representative  
 Special Comments  
 Other

5. Declaration or oath

Enclosed, executed by  
 inventor.  
 legal representative of inventor(s). 37 CFR §1.42 OR §1.43  
 joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.  
 this is the petition required by 37 CFR §1.47 and the statement required by 37 CFR §1.47 is also attached.

Not Enclosed.  
 Application is made by a person authorized under 37 CFR §1.41(c) on behalf of all the above named inventor(s). The declaration or oath, along with the surcharge required by 37 CFR §1.16(e) can be filed subsequently.  
 Showing that the filing is authorized.

6. Inventorship Statement

The inventorship for all the claims in this application are:

The same  
 Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,  
 is submitted.  will be submitted.

7. Language

English  
 non-English  
 the attached translation is a verified translation. 37 CFR 1.52(d).

8. Assignment

One Assignment of the invention to:  
 are attached.  will follow.

9. Certified Copy

Certified copy(ies) of application(s)

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(Country)	(Appln. No.)	(Filed)
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(Country)	(Appln. No.)	(Filed)
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from which priority is claimed:

is(are) attached.  
 will follow.

10. **Fee Calculation (37 CFR §1.16)**

A.  **Regular application**

CLAIMS AS FILED				
	Number filed	Number Extra	Rate	Total
Basic Fee				\$770.00
Total Claims	32 - 14 =	18	x \$ 22.00	\$396.00
Independent Claims (37 CFR 1.16(b))	3 - 4 =	1	x \$ 80.00	\$ 80.00
Multiple dependent claim(s), if any (37 CFR 1.16(d))				\$260.00

Amendment canceling extra claims enclosed.  
 Amendment deleting multiple dependencies enclosed.  
 Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$1,246.00

B.  **Design application**  
(\$000.00--37 CFR §1.16(f)) Filing Fee Calculation \$ \_\_\_\_\_

C.  **Plant application**  
(\$000.00--37 CFR §1.16(g)) Filing Fee Calculation \$ \_\_\_\_\_

11. **Small Entity Statement(s)**

Verified Statement that this is a filing by a small entity under 37 CFR §1.9 and §1.27 is attached.

Filing Fee Calculation (50% of A, B or C above) \$ 623.00

12. **Request for International-Type Search (37 CFR §1.104(d))**

Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

13. **Fee Payment Being Made At This Time**

Not Enclosed  
 No filing fee is to be paid at this time.

<input checked="" type="checkbox"/>	Enclosed	
<input checked="" type="checkbox"/>	basic filing fee	<u>\$623.00</u>
<input type="checkbox"/>	recording assignment (\$40.00; 37 CFR §1.21(h))	_____
<input type="checkbox"/>	petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached. (\$130.00; CFR §1.47 and §1.17(h))	\$_____
<input type="checkbox"/>	for processing an application with a specification in a non-English language. (\$130.00; 37 CFR §1.52(d) and §1.17(k))	\$_____
<input type="checkbox"/>	processing and retention fee (\$130.00; 37 CFR §1.53(d) and §1.21(l))	\$_____
<input type="checkbox"/>	fee for international-type search report (\$40.00; 37 CFR §1.21(e))	\$_____
	<b>Total fees enclosed</b>	<b><u>\$623.00</u></b>

**14. Method of Payment of Fees**

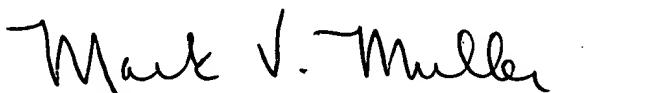
Check in amount of \$623.00  
 Charge Account No. 07-2400 in the amount of \$\_\_\_\_\_. A duplicate of this transmittal is attached.

**15. Authorization to Charge Additional Fees**

The Commissioner is hereby authorized to charge the following additional fees by this paper during the entire pendency of this application to Account No. 07-2400.  
 37 CFR §1.16 (a), (f) or (g) (filing fees)  
 37 CFR §1.16 (b), (c) and (d) (presentation of extra claims)  
 37 CFR §1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)  
 37 CFR §1.17 (application processing fees)  
 37 CFR §1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR §1.311(b))

**16. Instructions As To Overpayment**

credit Account No. 07-2400  
 refund



Mark V. Muller  
 Registration No. 37,509  
 GUNN, LEE & MILLER, P.C.  
 300 Convent, Suite 1650  
 San Antonio, Texas 78205-3717  
 Tel. No. (210) 222-2336

**Incorporation by reference of added pages**

Plus Added Pages For New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added 2

Plus Added Pages for Papers Referred To In Items 5 and 8 Above

Number of pages added 4

Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added \_\_\_\_\_

Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added \_\_\_\_\_

**Statement Where No Further Pages Added**

This transmittal ends with this page.

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**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service in an envelope addressed to the "Commissioner of Patents and Trademarks, Washington, D.C. 20231", as follows:

<u>37 CFR 1.8(a)</u>	<u>37 CFR 1.10</u>
<input type="checkbox"/> With sufficient postage as First Class Mail.	<input type="checkbox"/> As "Express Mail Post Office to Addressee", Mailing Label No. <u>EM579150626 US</u>
Date: _____, 19____	Date: <u>2-13</u> , 19 <u>97</u>

*DAVID MUNSCH*

Printed Name of Person Mailing Paper or Fee

*David Munsch*

Signature of Person Mailing Paper or Fee

**ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF  
PRIOR U.S. APPLICATION(S) CLAIMED**

**17. Relate Back**

Amend the Specification by inserting before the first line the sentence:

A. 35 U.S.C. 119(e)

"This application claims the benefit of U.S. Provisional Application(s) No(s).:

APPLICATION NO(S):

60/011,895

FILING DATE:

2/15/96

60,017,753

5/15/96

B. 35 U.S.C. 120, 121 and 365(c)

"This is a

continuation

continuation-in-part

divisional

of copending application(s);

serial number \_\_\_\_\_ filed on \_\_\_\_\_"

International Application \_\_\_\_\_ filed on \_\_\_\_\_ and which designated the U.S."

"The non-provisional application designated above, namely Application \_\_\_\_\_/\_\_\_\_\_, filed \_\_\_\_\_, claims the benefit of U.S. Provisional Application(s) No(s).:

APPLICATION NO(S):

/ \_\_\_\_\_

FILING DATE:

\_\_\_\_\_ "

/ \_\_\_\_\_

\_\_\_\_\_ "

/ \_\_\_\_\_

\_\_\_\_\_ "

**18. Relate Back - 35 U.S.C. 119 Priority Claim for Prior Application**

The prior U.S. application(s), including any prior International Application designating the U.S., identified above in item 16, in turn itself claim(s) foreign priority(ies) as follows:

Country	Appl. No.	Filed On
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The certified copy(ies) has (have)

been filed on \_\_\_\_\_ in prior application 0 / \_\_\_\_\_ which was filed on

is (are) attached

19. **Maintenance of Copendency of Prior Application**

A.  Extension of time in prior application  
 A petition, fee and response extends the term in the pending prior application until \_\_\_\_\_  
 A copy of the petition filed in prior application is attached

B.  Conditional Petition for Extension of Time in Prior Application  
 A conditional petition for extension of time is being filed in the pending prior application  
 A copy of the conditional petition filed in the prior application is attached

20. **Further Inventorship Statement Where Benefit of Prior Application(s) Claimed**

(a)  This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are  
 the same  
 less than those named in the prior application and it is requested that the following inventor(s) identified for the prior application be deleted:

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*(name(s) of inventor(s) to be deleted)*

(b)  This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application the inventor(s) in this application are  
 the same  
 the following additional inventor(s) have been added

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*(name(s) of inventor(s) to be added)*

(c) The inventorship for all the claims in this application are

the same  
 not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made  
 is submitted  
 will be submitted

21. **Abandonment of Prior Application (if applicable)**

Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application.

22. **Petition for Suspension of Prosecution for the Time Necessary to File an Amendment**

There is provided herewith a Petition To Suspend Prosecution for the Time Necessary to File An Amendment (New Application Filed Concurrently)